

AMENDED IN SENATE JANUARY 6, 2004

AMENDED IN SENATE JUNE 4, 2003

AMENDED IN SENATE APRIL 28, 2003

**SENATE BILL**

**No. 512**

**Introduced by Senator Figueroa**

February 20, 2003

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An act to ~~add Article 5 (commencing with Section 36996) to Chapter 8 of Division 27 of the Public Resources Code, relating to natural resources;~~ amend Section 7655 of the Fish and Game Code, and to amend Section 36710 of the Public Resources Code, relating to marine resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Figueroa. ~~Natural Marine resources: coastal resources~~ *Pacific Fishery Management Council: Marine managed areas: state water quality protection areas.*

(1) Existing law states that it is the policy of the state that the state be represented on the federal Pacific Fishery Management Council by representatives of those fisheries directly subject to the fishery management plans of the council. Existing law requires that special emphasis be made on the nominations and appointments to the council for a California commercial salmon troll fisherman, and, in order to assure a balanced representation on the council, representatives from the seafood processing industry, the commercial passenger carrying fishing industry, the groundfish fishery, and the coastal pelagic species fishery. Existing law requires that when the Governor makes a nomination for any seat on the council, the individual be knowledgeable of California's fishery resources and its fishing industry and needs.

*Existing law requires the nominations to be made after consultation with fishery organizations whose members are directly affected by the actions of the council.*

*This bill would state that it is the policy of the state that the state be represented on the council by persons knowledgeable about fisheries directly subject to the fishery management plans of the council. The bill would require that nominations and appointments to the council be a balanced representation of interested parties, including, but not limited to, the parties listed above and nongovernmental environmental organizations and marine scientists. The bill would delete the requirement that a person nominated by the Governor for a seat on the council be knowledgeable of the state's fishing needs. The bill would delete the requirement that the nominations be made after consultation with fishery organization members who are directly affected by the actions of the council, and instead would require the nominations be made after consultation with fishery organizations and other interested parties, including parties representing the public's interest in the fishery resources and marine environment.*

*(2) Existing law establishes the Marine Managed Areas Improvement Act, which, among other things, prescribes 6 classifications for designating managed areas in the marine and estuarine environments to ensure the long-term ecological viability and biological productivity of marine ecosystems and to preserve cultural resources in the coastal sea, including state water quality protection areas. The act authorizes the State Water Resources Control Board and the California regional water quality control boards to take appropriate actions to protect state water quality protection areas. The act requires that, in a state water quality protection area, point source waste and thermal discharges be prohibited or limited by special conditions, and that nonpoint source pollution be controlled to the extent practicable.*

*This bill would, instead, require that, in a state water quality protection area, point source waste discharges be prohibited or limited by special conditions and that nonpoint source waste be regulated in accordance with the Porter-Cologne Water Quality Control Act and implementing regulations.*

~~Existing law grants the Resources Agency, and other state and local (1) agencies, various powers and responsibilities regarding natural resources.~~

~~This bill would require the Resources Agency to implement those recommendations in a report titled "America's Living Oceans:~~



~~Creating a Course of Sea Change” that the Resources Agency has authority under existing law to implement, unless the Resources Agency identifies existing law that implements the recommendations.~~

~~The bill would also require state and local agencies that have jurisdiction over coastal waters or waters that flow into coastal waters to implement specified recommendations in the report, that the agencies have authority to implement under existing law. The bill would require those agencies to report to the Legislature, on or before July 1, 2004, the steps they have taken to comply with this requirement. By imposing new requirements on local agencies, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.~~

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Article 5 (commencing with Section 36996) is~~
- 2 ~~SECTION 1. Section 7655 of the Fish and Game Code is~~
- 3 ~~amended to read:~~
- 4 ~~7655. (a) It is the policy of the State of California that the~~
- 5 ~~state be represented on the Pacific Fishery Management Council~~
- 6 ~~by representatives of those people who are knowledgeable about~~
- 7 ~~fisheries directly subject to the fishery management plans of the~~
- 8 ~~council. Special emphasis shall be made on the nominations and~~
- 9 ~~appointments to the Pacific Fishery Management Council for a~~
- 10 ~~California commercial salmon troll fisherman. In addition to a~~
- 11 ~~commercial salmon troll fisherman, in order to assure a balanced~~
- 12 ~~representation on the Pacific Fishery Management Council,~~
- 13 ~~nominations shall also include Nominations and appointments to~~



1 *the Pacific Fishery Management Council shall be a balanced*  
2 *representation of interested parties, including, but not limited to,*  
3 *representatives from the seafood processing industry, the*  
4 *commercial passenger carrying fishing industry commercial*  
5 *salmon troll fishery, the groundfish fishery, and the coastal pelagic*  
6 *species fishery, the seafood processing industry, the commercial*  
7 *passenger carrying fishing industry, nongovernmental*  
8 *environmental organizations, and marine scientists.*

9 (b) When the Governor nominates persons for any seat on the  
10 Pacific Fishery Management Council, those individuals shall be  
11 knowledgeable of California's fishery resources and its fishing  
12 industry ~~and needs~~. Further, the nominations shall be made after  
13 consultation with fishery organizations ~~whose members are~~  
14 ~~directly affected by the actions of the council~~ and other interested  
15 parties, including parties representing the public's interest in the  
16 fishery resources and marine environment.

17 SEC. 2. Section 36710 of the Public Resources Code is  
18 amended to read:

19 36710. (a) In a state marine reserve, it is unlawful to injure,  
20 damage, take, or possess any living geological, or cultural marine  
21 resource, except under a permit or specific authorization from the  
22 managing agency for research, restoration, or monitoring  
23 purposes. While, to the extent feasible, the area shall be open to the  
24 public for managed enjoyment and study, the area shall be  
25 maintained to the extent practicable in an undisturbed and  
26 unpolluted state. Access and use for activities including, but not  
27 limited to, walking, swimming, boating, and diving may be  
28 restricted to protect marine resources. Research, restoration, and  
29 monitoring may be permitted by the managing agency.  
30 Educational activities and other forms of nonconsumptive human  
31 use may be permitted by the designating entity or managing  
32 agency in a manner consistent with the protection of all marine  
33 resources.

34 (b) In a state marine park, it is unlawful to injure, damage, take,  
35 or possess any living or nonliving marine resource for commercial  
36 exploitation purposes. Any human use that would compromise  
37 protection of the species of interest, natural community or habitat,  
38 or geological, cultural, or recreational features, may be restricted  
39 by the designating entity or managing agency. All other uses are  
40 allowed, including scientific collection with a permit, research,

monitoring, and public recreation, including recreational harvest, unless otherwise restricted. Public use, enjoyment, and education are encouraged, in a manner consistent with protecting resource values.

(c) In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes, that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The designating entity or managing agency may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources.

(d) In a state marine cultural preservation area, it is unlawful to damage, take, or possess any cultural marine resource. Complete integrity of the cultural resources shall be sought, and no structure or improvements that conflict with that integrity shall be permitted. No other use is restricted.

(e) In a state marine recreational management area, it is unlawful to perform any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted.

(f) In a state water quality protection area, point source waste and thermal discharges shall be prohibited or limited by special conditions. Nonpoint source pollution shall be controlled to the extent practicable waste shall be regulated in accordance with the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code) and implementing regulations. No other use is restricted.

~~added to Chapter 8 of Division 27 of the Public Resources Code, to read:~~

~~Article 5. — America's Living Oceans Report~~

~~36996. — (a) The Resources Agency shall implement those recommendations in the report titled "America's Living Oceans:~~

1 ~~Creating a Course of Sea Change,” released by the Pew Oceans~~  
2 ~~Commission on June 4, 2003, that the Resources Agency has~~  
3 ~~authority under existing law to implement, unless the Resources~~  
4 ~~Agency identifies existing law that implements the~~  
5 ~~recommendations.~~

6 ~~(b) With respect to recommendations in the report that the~~  
7 ~~Resources Agency does not have authority under existing law to~~  
8 ~~implement, each state or local agency that has authority under~~  
9 ~~existing law to implement those recommendations and that has~~  
10 ~~jurisdiction over coastal waters or waters that flow into coastal~~  
11 ~~waters shall implement those recommendations and shall report to~~  
12 ~~the Legislature, on or before July 1, 2004, the steps it has taken to~~  
13 ~~comply with this subdivision.~~

14 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~  
15 ~~Code, if the Commission on State Mandates determines that this~~  
16 ~~act contains costs mandated by the state, reimbursement to local~~  
17 ~~agencies and school districts for those costs shall be made pursuant~~  
18 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
19 ~~2 of the Government Code. If the statewide cost of the claim for~~  
20 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
21 ~~reimbursement shall be made from the State Mandates Claims~~  
22 ~~Fund.~~

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24 CORRECTIONS

25 Logged in with wrong date -p. 1

26 Text - p. 5 \_\_\_\_\_  
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